

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

IN RE: DELGARDO LEE LINTHICUM	*	CHAPTER 7
	*	CASE NO. 08-60155
	*	
Debtor(s)	*	
	/	
	*	
BRANCH BANKING & TRUST COMPANY	*	AP NO. 08-06047
Plaintiff,	*	
	*	
v.	*	
	*	
DELGARDO LEE LINTHICUM	*	
	*	
Defendant(s)	*	
	/	

ANSWER TO COMPLAINT OBJECTING TO DISCHARGEABILITY OF DEBT

Come now the Defendants, by Counsel, to answer the Complaint filed by Plaintiff, and Defendants state as follows in response to said Complaint:

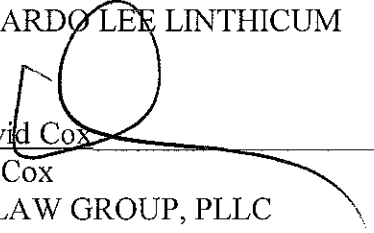
1. Defendants admit allegations contained in paragraphs 1, 3, 4, 5, 6, 7 and 10 of the Complaint.
2. Defendants deny the allegations contained in paragraphs 11, 12, 13, 14, 18, 20, 21, 22 and 23 of the Complaint.
3. Defendants are without sufficient information to either admit or deny the allegations in paragraphs 2, 8, 9, 15, 16, 17 and 19 of the Complaint.
4. All other allegations of the Plaintiff, if not specifically addressed above, are denied by the Defendants.
5. Plaintiff's Adversary Proceeding Complaint fails to delineate any specific acts allegedly undertaken by Defendants which constitute any elements of willful and malicious injury by the Defendants to another entity or to the property of another entity.
6. Defendant asserts any and all applicable affirmative defenses, including those of waiver, estoppel, release, and lack of justifiable or reasonable reliance by the Plaintiff.

7. Defendant asserts that Plaintiff has a duty to mitigate damages and has failed to do so.
8. Pursuant to Bankruptcy Code Section 523(d) and the equitable powers of the Court, Defendants request judgment in their favor for the costs and attorney's fees required in defending themselves in this action.

WHEREFORE, Defendants demand judgment dismissing the Adversary Proceeding, together with attorney's fees, costs of defense and such other and further relief as this Court may deem equitable and just.

Date: 05/13/08

DELGARDO LEE LINTHICUM


/s/ David Cox

David Cox
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CERTIFICATE

I hereby certify that a true copy of this Answer was mailed by U.S. First Class Mail to the Defendants, Trustee and Plaintiff this 13th day of May, 2008.


/s/ David Cox